



General Assembly

January Session, 2011

Amendment

LCO No. 8573

HB0534008573SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

To: Subst. House Bill No. 5340

File No. 547

Cal. No. 470

**"AN ACT RENAMING THE STATE POLICE FORENSIC SCIENCE
LABORATORY AS THE "DR. HENRY C. LEE FORENSIC SCIENCE
LABORATORY"."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 7-308 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) As used in this section, "municipality" [shall have] has the same
6 meaning [ascribed to it by] as provided in section 7-314; "fire duties"
7 [means those duties the performance of which is defined in said] has
8 the same meaning as provided in section 7-314; "ambulance service"
9 means "ambulance service" as defined in section 7-314b; [and]
10 "volunteer ambulance member" means "active member of an
11 organization certified as a volunteer ambulance service in accordance
12 with section 19a-180" as defined in section 7-314b; and "fire police
13 officer" means any active member of a volunteer fire police
14 organization operating under a municipal fire department that

15 provides support services to such department in accordance with
16 section 7-313a.

17 (b) Each municipality of this state, notwithstanding any inconsistent
18 provision of law, general, special or local, or any limitation contained
19 in the provisions of any charter, shall [pay on behalf of any paid or
20 volunteer fireman or volunteer ambulance member of such
21 municipality all sums which such fireman or volunteer ambulance
22 member becomes obligated to pay by reason of liability imposed upon
23 such fireman or volunteer ambulance member by law for damages to
24 person or property, if the fireman or volunteer ambulance member, at
25 the time of the occurrence, accident, injury or damages complained of,
26 was performing fire or volunteer ambulance duties and if such
27 occurrence, accident, injury or damage was not the result of any wilful
28 or wanton act of such fireman or volunteer ambulance member in the
29 discharge of such duties] protect and save harmless any volunteer
30 firefighter, volunteer ambulance member or volunteer fire police
31 officer of such municipality from financial loss and expense, including
32 legal fees and costs, if any, arising out of (1) any claim, demand, suit or
33 judgment by reason of alleged negligence on the part of such volunteer
34 firefighter, volunteer ambulance member or volunteer fire police
35 officer while performing fire, volunteer ambulance or fire police
36 duties, and (2) any claim, demand or suit instituted against such
37 volunteer firefighter, volunteer ambulance member or volunteer fire
38 police officer by reason of an alleged malicious, wanton or wilful act
39 on the part of such volunteer firefighter, volunteer ambulance member
40 or volunteer fire police officer while performing fire, volunteer
41 ambulance or fire police duties. In the event that a court of law enters a
42 judgment against such volunteer firefighter, volunteer ambulance
43 member or volunteer fire police officer for a malicious, wanton or
44 wilful act, such volunteer firefighter, volunteer ambulance member or
45 volunteer fire police officer shall reimburse such municipality for any
46 expenses that the municipality incurred in providing such defense,
47 and such municipality shall be exempt from any liability to such
48 volunteer firefighter, volunteer ambulance member or volunteer fire

49 police officer for any financial loss resulting from such act. This section
50 shall not apply to damages to a person caused by an employee to a
51 fellow employee while both employees are engaged in the scope of
52 their employment for such municipality if the employee suffering such
53 damages or, in the case of his or her death, his or her dependent, has a
54 right to benefits or compensation under chapter 568 by reason of such
55 damages. If a [fireman] firefighter or, in the case of his or her death, his
56 or her dependent, has a right to benefits or compensation under
57 chapter 568 by reason of injury or death caused by the negligence or
58 wrong of a fellow employee while both employees are engaged in the
59 scope of their employment for such municipality, such [fireman]
60 firefighter or, in the case of his or her death, his or her dependent, shall
61 have no cause of action against such fellow employee to recover
62 damages for such injury or death unless such wrong was wilful and
63 malicious. Such municipality may arrange for and maintain
64 appropriate insurance or may elect to act as a self-insurer to maintain
65 such protection. No action or proceeding instituted pursuant to the
66 provisions of this section shall be prosecuted or maintained against the
67 municipality or [fireman] firefighter, volunteer ambulance member or
68 volunteer fire police officer unless at least thirty days have elapsed
69 since the demand, claim or claims upon which such action or special
70 proceeding is founded were presented to the clerk or corresponding
71 officer of such municipality. No action for personal injuries or
72 damages to real or personal property shall be maintained against such
73 municipality and [fireman] firefighter, volunteer ambulance member
74 or volunteer fire police officer unless such action is commenced within
75 one year after the cause of action therefor arose and notice of the
76 intention to commence such action and of the time when and the place
77 where the damages were incurred or sustained has been filed with the
78 clerk or corresponding officer of such municipality and with the
79 [fireman within] firefighter, volunteer ambulance member or volunteer
80 fire police officer not later than six months after such cause of action
81 has accrued. No action for trespass shall lie against any [fireman]
82 firefighter crossing or working upon lands of another to extinguish fire
83 or for investigation [thereof] of such fire. No action for trespass shall

84 lie against any volunteer ambulance member crossing or working
85 upon lands of another while performing ambulance services. No action
86 for trespass shall lie against any volunteer fire police officer crossing or
87 working upon lands of another while performing fire police services.
88 Governmental immunity shall not be a defense in any action brought
89 under this section. In any such action the municipality and the
90 [fireman] firefighter, or the municipality and the volunteer ambulance
91 member, or the municipality and the volunteer fire police officer, may
92 be represented by the same attorney. [if the municipality, at the time
93 such attorney enters his appearance, files a statement with the court,
94 which shall not become part of the pleadings or judgment file, that it
95 will pay any final judgment rendered in such action against such
96 fireman or volunteer ambulance member. No mention of any kind
97 shall be made of such statement by any counsel during the trial of such
98 action.]

99 Sec. 502. Section 12-81w of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective July 1, 2011*):

101 The legislative body of any municipality may establish, by
102 ordinance, a program to provide property tax relief for the nonsalaried
103 local director of civil preparedness and for [individuals] any
104 individual who [volunteer their] volunteers his or her services as a
105 firefighter, fire police officer, as defined in subsection (a) of section 7-
106 308, as amended by this act, emergency medical technician, paramedic,
107 civil preparedness staff, an active member of a volunteer canine search
108 and rescue team, as defined in section 5-249, an active member of a
109 volunteer underwater search and rescue team, or an ambulance driver
110 in the municipality. Such tax relief may provide either (1) an
111 abatement of up to one thousand dollars in property taxes due for any
112 fiscal year, or (2) an exemption applicable to the assessed value of real
113 or personal property up to an amount equal to the quotient of one
114 million dollars divided by the mill rate, in effect at the time of
115 assessment, expressed as a whole number of dollars per one thousand
116 dollars of assessed value. Any ordinance may authorize interlocal
117 agreements for the purpose of providing property tax relief to such

118 volunteers who live in one municipality but volunteer their services in
119 another municipality."